

113TH CONGRESS
1ST SESSION

S. CON. RES. 9

Recommending the posthumous award of the Medal of Honor to Sergeant Rafael Peralta.

IN THE SENATE OF THE UNITED STATES

MARCH 19, 2013

Mrs. FEINSTEIN (for herself and Mr. RUBIO) submitted the following concurrent resolution; which was referred to the Committee on Armed Services

CONCURRENT RESOLUTION

Recommending the posthumous award of the Medal of Honor to Sergeant Rafael Peralta.

Whereas, in November 2004, the Marine Corps led combat operations to retake the insurgent stronghold of Fallujah, Iraq, as part of Operation Phantom Fury;

Whereas Marine Corps Sergeant Rafael Peralta and thousands of other Marines entered the city of Fallujah, coming into immediate contact with the enemy and engaging in some of the most intense combat in the entire Iraq war;

Whereas Sergeant Peralta, serving with 1st Battalion, 3rd Marines, cleared scores of houses for days, and on November 14, 2004, asked to join an under-strength squad;

Whereas, the following morning, a close-quarter fight erupted as Sergeant Peralta and his squad of Marines cleared their seventh house of the day;

Whereas Sergeant Peralta, attempting to move out of the line of fire, was hit in the back of the head by a fragment from a ricocheted bullet;

Whereas the insurgents, in the process of fleeing the house, threw a fragmentation grenade through a window, landing directly near the head of Sergeant Peralta;

Whereas Sergeant Peralta reached for the grenade and pulled it to his body, absorbing the blast and shielding the other Marines who were only feet away;

Whereas, on November 15, 2004, Sergeant Peralta made the ultimate sacrifice to save the lives of his fellow Marines;

Whereas Sergeant Peralta was posthumously recommended by the Marine Corps and the Department of the Navy for the Medal of Honor;

Whereas 7 eyewitnesses confirmed that Sergeant Peralta smothered the grenade with his body, with 4 of the accounts, taken independently, stating that Sergeant Peralta gathered the grenade with his right arm;

Whereas the historical standard for awarding the Medal of Honor is 2 eyewitness accounts;

Whereas, in 2008, the nomination of Sergeant Peralta for the Medal of Honor was downgraded to the Navy Cross after an independent panel determined that Sergeant Peralta could not deliberately have pulled the grenade to his body due to his head wound, despite 7 eyewitness accounts to the contrary;

Whereas, in 2012, new and previously unconsidered evidence, consisting of combat video and an independent pathology report, was submitted to the Department of the Navy;

Whereas based on the new evidence, a review of the case was initiated;

Whereas, in December 2012, the upgrade from the Navy Cross to the Medal of Honor for Sergeant Peralta was denied, despite an announcement of the support of the Department of the Navy for the upgrade;

Whereas the citation for the Navy Cross awarded to Sergeant Peralta states, “without hesitation and with complete disregard for his own personal safety, Sergeant Peralta reached out and pulled the grenade to his body, absorbing the brunt of the blast and shielding fellow Marines only feet away”;

Whereas Sergeant Peralta wrote to his brother in the days preceding his death, saying, “I’m proud to be a Marine, a U.S. Marine, and to defend and protect the freedom and Constitution of America. You should be proud of being an American citizen”;

Whereas Sergeant Peralta, who was born in Mexico and immigrated with his family to San Diego, California, enlisted in the Marine Corps on the same morning he received his proof of permanent residence, commonly known as a green card; and

Whereas Sergeant Peralta and his fellow Marines are an inspiration for their service, selflessness, and sacrifice: Now, therefore, be it

1 *Resolved by the Senate (the House of Representatives*
2 *concurring)*, That Congress—

1 (1) honors Sergeant Rafael Peralta, a Mexican-
2 American who enlisted in the Marine Corps on the
3 same day he received his permanent residence sta-
4 tus, for his dedication to the Marine Corps and the
5 United States, and for upholding the highest stand-
6 ards of military service;

7 (2) recognizes that the courage and selfless ac-
8 tions of Sergeant Peralta in combat saved the lives
9 of his fellow Marines;

10 (3) concurs with the Marine Corps and the De-
11 partment of the Navy that the actions of Sergeant
12 Peralta are in the spirit and tradition of the Medal
13 of Honor;

14 (4) maintains that eyewitness accounts confirm
15 that Sergeant Peralta deliberately pulled the grenade
16 to his body and, consistent with previous Medal of
17 Honor awards, the eyewitness accounts should be
18 the leading and deciding factor in evaluating the
19 nomination of Sergeant Peralta for the Medal of
20 Honor; and

21 (5) recommends that Sergeant Peralta post-
22 humously be awarded the Medal of Honor.

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